IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3486 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMANLAL MOHANLAL PARMAR

Versus

DIST DEVELOPMENT OFFICER

Appearance:

MR SURESH M SHAH for Petitioner

MR RA MISHRA for Respondent No. 1

CORAM : MR.JUSTICE RAVI R. TRIPATHI

Date of decision: 09/03/2001

ORAL JUDGEMENT

Mr.Suresh M. Shah, learned advocate for the petitioner states that the present petition was filed against the impugned action of the respondent suspending the petitioner. It is true that said suspension was

during the pendency of the inquiry. However, by virtue of the interim order passed by this Court dated 18.1.1995 the petitioner was ordered to be paid full wages from the month of January 1995, which was ordered to be in operation until the inquiry is completed or until the petition is finally disposed of whichever is earlier. Mr.Shah further states that the inquiry continued for quite long and thereafter a major penalty was imposed; against which an appeal was filed. The appellate authority has considered the appeal of the petitioner favourably and reduced the major penalty of withholding of two increments with future effect into a minor penalty of withholding one increment without future effect.

2. Mr.Shah, learned advocate further submitted that the petitioner is having reasonable apprehension of the respondent taking action against the petitioner for recovery of salary which was paid under the orders of this Court dated 18.1.1995 and considering that the period as a break for the purpose of pensionary benefits. In view of this apprehension it is made clear that once the salary is paid under the orders of this Court there is no reason for the respondent to take any action, more particularly, when this Court has not adjudicated upon the legality/ validity of the impugned order in view of the fact the department has imposed only minor penalty on the petitioner.

3. With these observations, the petition is disposed of with no order as to costs. Rule is discharged. Interim relief is vacated.

(Ravi R. Tripathi, J.)

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